IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.273 OF 2006

Akhilesh Singh ..Petitioner.
Vs.
The Principal,
Seth D.M. High School & Ors. ..Respondents.

...

Mr. Mihir Desai for the Petitioner.
Mr. A.G. Kothari for Respondent Nos.1 and 3.
Ms. Sindha Sreedharan for Respondents 2 and 4.

....

CORAM: **DR. D.Y. CHANDRACHUD, J.**

22nd January, 2007.

P.C. :

1. The services of the Petitioner came to be terminated while on probation on the ground that the work of the probationer was not found satisfactory. The School Tribunal has rejected the appeal filed by the Petitioner.

2. The Petitioner was appointed on a temporary basis initially on 10th July, 1998. On 10th June, 1999 he was appointed on a probationary basis. The order of termination was passed on 29th April, 2000. One of the contentions of the Petitioner was that the period of temporary appointment should be deemed to be on

probation since the appointment was on a clear and permanent vacancy. However, even if that part of the submission were to be accepted (on the correctness of which it is not necessary to express any view) the fact remains that the termination took place within a period of two years from the date of the initial appointment. Consequently, there was no deemed confirmation within the meaning of Section 5(2) Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977, in any event. The services were terminated for unsatisfactory performance after warnings and memos had been issued. In these circumstances, no case for interference under Article 226 has been made out. The Petition is dismissed.